

Appln No. 09/433,730

Amdt date October 30, 2003

Reply to Office action of July 30, 2003

REMARKS/ARGUMENTS

The examiner objected to claims 106, 108, and 109 because of the inconsistent use of the terms "first mixer" and "second mixer". These claims have been amended to eliminate the inconsistency.

Claim 10 stands rejected under 35 U.S.C. 112 as being indefinite. This claim has been amended to provide an antecedent basis for various claim elements and to clarify the other terms in the claim.

Claim 111 stands rejected under 35U.S.C. 103(a) as unpatentable from the previously cited Eyuboglu reference in view of newly cited Wang patent 6,356,598. Wang's pilot signal does not control ADC 19. Wang's pilot signal is used to achieve carrier recovery. (See col. 5, lines 31 to 35.) ADC 19 is controlled by data segment sync components derived from the data frame format (FIG. 2). Specifically, as shown in FIG. 4, phase detector 410 produces a phase error signal representative of two segment sync signals (col. 6, lines 7 to 26). This phase error signal controls oscillator 436, which provides the clock for ADC 19. Accordingly, the combination set forth in claim 1 would not be obvious in view of the cited references.

New claims 112 to 119, which depend upon claim 111, are presented for examination. These claims are also patentable for the same reasons as claim 111.

Applicant believes the Examiner's stated reasons for allowance are improper and unnecessary. The Examiner's statement does not necessarily make clear the reasoning for allowing the claims. Moreover, the record as a whole does make

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clear the reasons for allowance and therefore no statement by the examiner is necessary or warranted. Furthermore, the applicant does not necessarily agree with each statement in the reasons for allowance. While applicant agrees that the claims are allowable, applicant does not acquiesce in each statement in the reasons for allowance, that patentability requires each stated feature exactly as expressed by the Examiner, nor that each stated feature is required for patentability.

Respectfully submitted,

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